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Applicant: Emig et al.
Appl. No.: 10/555,040
Filing Date: August 31, 2005
Title: PREPARATION, IN PARTICULAR COSMETIC PREPARATION, PROCESS FOR
THE PRODUCTION THEREOF AND USE THEREOF
Attorney Docket No.: 05-549-CIP
Pub. No.: US 2007/0009450-A1
Pub. Date: January 11, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 26, 2007, for the above-identified application.

The request is DISMISSED.

Applicants request that the application be republished because Sonja Engelhardt and Sabine Hargrave were not listed as inventors on the front page of the patent application publication.

37 CFR 1.221(b) is applicable “only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within **two months** from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on April 26, 2007, was not timely filed under 37 CFR 1.221(b).

Applicants are advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark Polutta', with a long horizontal stroke extending to the right.

Mark Polutta
Senior Legal Advisor
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Office of the Deputy Commissioner
for Patent Examination Policy